



**NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 341**

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H341-ACE-26 [v.3]

Page 1 of 2

Amends Title [YES]
Second Edition

Date _____, 2021

Senator Daniel

1 moves to amend the bill on page 1, line 3, by rewriting the line to read:
2 "FOR CERTAIN UNLAWFUL PURPOSES A CLASS H FELONY AND TO PROTECT
3 CONSUMERS FROM MISLEADING OR FICTITIOUS COMMUNICATIONS DESIGNED
4 TO ELICIT A RESPONSE OR FOR A STUDY, SURVEY, MARKETING, OR OTHER
5 PURPOSE.";

6
7 and on page 1, line 10, by deleting "website" and substituting "Web site";

8
9 and on page 1, line 20, by deleting "website" and substituting "Web site";

10
11 and on page 1, line 22, by deleting "Felony." and substituting "felony.";

12
13 and on page 1, line 24, by deleting "website" and substituting "Web site";

14
15 and on page 2, lines 7-8, by rewriting the lines to read:

16 "SECTION 2.(a) Article 1 of Chapter 75 of the General Statutes is amended by
17 adding a new section to read:

18 **"§ 75-44. Misleading or fictitious communications designed to gather information.**

19 (a) No person shall solicit information, feedback, or any other response from another
20 person by sending a fictitious communication that is designed to elicit a response from the
21 recipient.

22 (b) A violation of this section constitutes an unfair trade practice under G.S. 75-1.1 and
23 is subject to all of the following:

24 1. All enforcement and penalty provisions under this Article.

25 2. Punitive damages of at least \$50,000 per violation upon a finding of
26 aggravating factors, as provided in G.S. 1D-15(a).

27 3. Attorneys fees and costs.

28 (c) For the purposes of this section, a "fictitious communication" is any communication,
29 written or oral, where the sender is intentionally misrepresenting the sender's identity to the
30 recipient. For the purposes of this section, a "person" shall include a nonprofit or for-profit firm
31 or corporation including public and private educational institutions. For the purposes of this
32 section, a nonprofit or for-profit firm or corporation including public and private educational



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1 institutions conducting research shall be deemed to engage in "commerce" as that term is defined
2 in G.S. 75-1.1.

3 **SECTION 2.(b)** This section becomes effective October 1, 2021."

4 **SECTION 3.** Except as otherwise provided, this act becomes effective December 1,
5 2021, and applies to offenses committed on or after that date."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____